IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

KEITH MAYDAK,)
Plaintiff)
)
vs.) Civil Action No. 07-1329
) Judge Gary L. Lancaster/
COUNTY OF ALLEGHENY,) Magistrate Judge Amy Reynolds Hay
PENNSYLVANIA; INC.; RAMON	
RUSTIN; CALVIN LIGHTFOOT; FRED)
ROSEMEYER;DAN ONORATO,	
Defendants	
<u>ORDER</u>	
AND NOW, this 3 day of, 2008, after the Plaintiff, Keith	
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Md-1 61d	

Maydak, filed an action in the above-captioned case, and after a Motion to Dismiss was filed by the Defendants, and after a Report and Recommendation was filed by the United States

Magistrate Judge giving the plaintiff until November 20, 2008 to file written objections thereto, and no objections having been filed to the report and recommendation, and upon independent review of the motion and the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that defendants' motion to dismiss [Dkt. 8] is denied.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the parties desire to appeal from this Order they must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed.R.App.P.

GARY L. LANCASTER United States District Judge cc: Honorable Amy Reynolds Hay United States Magistrate Judge

> Keith Maydak 613 Cross Street East McKeesport, PA 15035

J. Deron Gabriel, Esquire Allegheny County Law Department 300 Fort Pitt Commons 445 Fort Pitt Boulevard Pittsburgh, PA 15219